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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) 2:04-cr-0389-MCE  
12 Plaintiff, ) PRELIMINARY ORDER OF  
13 v. ) FORFEITURE AND PUBLICATION  
14 MACLOVIO ACOSTA, et al. ) THEREOF RE PERSONAL PROPERTY  
15 Defendants. ) OF MACLOVIO ACOSTA

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17 Based upon the plea agreement entered into between plaintiff  
18 United States of America and defendant Maclovio Acosta, it is  
19 hereby

20 ORDERED, ADJUDGED AND DECREED as follows:

21 1. Pursuant to 21 U.S.C. § 853, defendant Maclovio Acosta's  
22 interest in the following property shall be condemned and  
23 forfeited to the United States of America, to be disposed of  
24 according to law:

25 a. 1996 GMC Yukon, VIN: 3GKEC18R9TG520014,  
26 License Number 3TJZ621.

27 2. The above-listed property was used or intended to be  
28 used, in any manner or part, to commit and to facilitate the

1 commission of the violations of 21 U.S.C. §§ 846 and 841(a)(1).

2       3. Pursuant to Rule 32.2(b), the Attorney General (or a  
3 designee) shall be authorized to seize the above-described  
4 property. The aforementioned property shall be seized and held  
5 by the United States Marshals Service, in its secure custody and  
6 control.

7       4. a. Pursuant to 21 U.S.C. § 853(n) and Local Rule  
8 83-171, the United States forthwith shall publish at least once  
9 for three successive weeks in the Appeal Democrat (Yuba/Sutter  
10 County), a newspaper of general circulation located in the county  
11 in which the above-described property was seized, notice of this  
12 Order, notice of the Attorney General's and/or Secretary of  
13 Treasury's intent to dispose of the property in such manner as  
14 the Attorney General and/or the Secretary of Treasury may direct,  
15 and notice that any person, other than the defendant, having or  
16 claiming a legal interest in the above-listed forfeited property  
17 must file a petition with the Court within thirty (30) days of  
18 the final publication of the notice or of receipt of actual  
19 notice, whichever is earlier.

20       b. This notice shall state that the petition shall be  
21 for a hearing to adjudicate the validity of the petitioner's  
22 alleged interest in the property, shall be signed by the  
23 petitioner under penalty of perjury, and shall set forth the  
24 nature and extent of the petitioner's right, title or interest in  
25 the forfeited property and any additional facts supporting the  
26 petitioner's claim and the relief sought.

27       c. The United States may also, to the extent  
28 practicable, provide direct written notice to any person known to

1 have alleged an interest in the property that is the subject of  
2 the Order of forfeiture, as a substitute for published notice as  
3 to those persons so notified.

4 5. If a petition is timely filed, upon adjudication of all  
5 third-party interests, if any, this Court will enter a Final  
6 Order of Forfeiture pursuant to 21 U.S.C. § 853 in which all  
7 interests will be addressed.

8 IT IS SO ORDERED.

9 DATED: September 28, 2006

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MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE